



In the Matter of

Digital Performance Right in Sound
Recordings Rate Adjustment

Docket No. 2001-1 CARP DSTRA2

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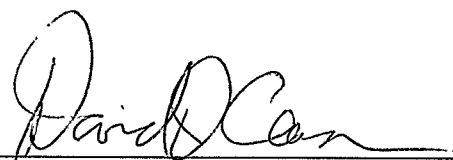
On March 19, 2003, XM Satellite Radio Inc., Sirius Satellite Radio Inc., and SoundExchange, an unincorporated division of the Recording Industry Association of America, Inc., filed a notification of settlement and a motion to suspend the current CARP proceeding as it pertains to the preexisting satellite digital audio radio services and copyright owners and performers.¹ The two remaining parties to this proceeding, the American Federation of Television and Radio Artists and the American Federation of Musicians, join in this motion.

Whereas all parties with an interest in setting rates and terms for the preexisting satellite digital audio radio services have entered into a private, confidential, nonprecedential agreement and have requested suspension of the proceeding, **IT IS ORDERED** that the March 18, 2003 scheduling order, setting the 45-day precontroversy discovery period, **IS VACATED**, and the motion to suspend the CARP proceeding **IS GRANTED**.

SO ORDERED.

Marybeth Peters
Register of Copyrights

BY:


David O. Carson
General Counsel

DATED: March 21, 2003

¹ The motion also sought the suspension of a separate rulemaking proceeding, Docket No. RM 2002-1, to the extent it applied to the preexisting satellite digital audio radio services. The purpose of that proceeding is to establish regulations governing records of use of sound recordings under the section 112 and 114 statutory licenses through a notice and comment procedure. Because the rulemaking proceeding is a separate proceeding and requires that the public be given an opportunity to comment, an interested party must file a petition to request action, and not a motion. Consequently, the motion to suspend the rulemaking proceeding to the extent that it would establish rules for preexisting satellite digital audio radio services has not been considered at this time.